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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COUNTY OF MENDOCINO.

Plaintiff,

No. C 05-4429 PJH

v.

WILTEL COMMUNICATIONS, LLC,

Defendant.

ORDER RE MOTION TO STRIKE AND MOTION TO DISMISS

16 Defendant's motion to strike the jury demand and the first cause of action, and
17 motion to dismiss the first, third, and fourth causes of action for failure to state a claim
18 came on for hearing before this court on June 7, 2006. Plaintiff County of Mendocino
19 appeared by its counsel Deputy County Counsel Frank Zotter, and defendant WilTel
20 Communications, LLC, appeared by its counsel Michael G. Thornton. Having read the
21 parties' papers and carefully considered their arguments and the relevant legal authority,
22 and good cause appearing, the court hereby rules as follows and for the reasons stated at
23 the hearing.

5. The motion to dismiss the fourth cause of action for fraud is DENIED.

2 However, plaintiff shall file a more definite statement, no later than June 21, 2006, pleading
3 fraud with particularity. The court will consider no further motions to dismiss.

4

IT IS SO ORDERED.

Dated: June 7, 2006

Pjw

PHYLLIS J. HAMILTON
United States District Judge

United States District Court

For the Northern District of California